

## **FISCAL NOTE**

TO: Chief Clerk of the Senate  
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 20, 1996

SUBJECT: **SB 3099 - HB 2927**

This bill, if enacted, will:

1. delete the provisions of present law relative to adoption records created on or after March 16, 1951, which under present law, are to be available to an adopted person 21 years of age or older or the person's legal representative, the person's parents, siblings or lineal descendants who are 21 years of age or older or their legal representatives.
2. revive Chapter 285 of the Public Acts of 1985, and apply it to adoptions finalized between March 16, 1951 and July 1, 1996. Chapter 285 of the Public Acts of 1985 required the Department of Human Services, upon receiving a written request of an adopted person 25 years of age or older, to search the sealed adoption records for information concerning the location of the adopted person's biological parents. The department was required to notify the biological parents and if the parents objected, then no information was to be disclosed. If the parents could not be reached, the department was to provide the adopted persons with the name, address and other identifying information.
3. establish new procedures concerning adoption records created on or after July 1, 1996.
4. make the Department of Health a depository for statistical data on adoption. Data cards must be completed and filed with the clerk for each petitioner. A birth certificate cannot be issued showing the petitioner as the parent of any child adopted in this state until a data card has been completed and filed.
5. allow an adopted person over the age of 21 or under 21, with the permission of the adoptive parent, or birth parent or member of the birth parent's family after the adoptee reaches 21, to petition the court to appoint a confidential intermediary. The intermediary will search for and discreetly contact the birth parent or adopted person, or if they are not alive or cannot be located within one year, the intermediary may attempt to locate members of the birth parent or adopted person's family.

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6. entitle the confidential intermediary to reimbursement from the petitioner for actual expenses in conducting the search. The court may also authorize a reasonable fee in addition to these expenses.
7. provide that if the intermediary is unable to locate the person within one year, the intermediary shall make a recommendation to the court as to whether or not a further search is warranted and the reasons for the recommendation.
8. provide that if the intermediary locates the person being sought, a discreet and confidential inquiry is to be made as to whether that person consents to having his or her present identity disclosed to the petitioner. The identity of the petitioner cannot be disclosed to the party being sought. If permission is given, the court may order that the name and other identifying information be released to the petitioner.

The fiscal impact from enactment of this bill is estimated to be a decrease in state expenditures of \$405,900 and a corresponding decrease in state revenues from fees for adoption records for the Department of Human Services appropriated for implementation of Chapter 532 of the Public Acts of 1995.

Enactment of this bill is also estimated to result in a increase in state expenditures of \$1,152,500 and a corresponding increase in state revenues from fees for the Department of Health to collect and compile adoption information and for the 31 state court judicial districts to establish a system of confidential intermediary to investigate, locate and contact persons party to an adoption. Details are as follows:

Department of Health			
1 Clerk II (Salary and Benefits)	\$	15,800	
Operational Expenses		10,700	
Equipment (one-time)		<u>10,000</u>	\$ 36,500
State Court System			
31 Confidential Intermediaries			
(Salary and Benefits \$25,000 ea.)	\$	775,000	
Operational Expenses		186,000	
Equipment (one-time)		<u>155,000</u>	<u>1,116,000</u>

Total

\$1,152,500

In summary, the fiscal impact from enactment of this bill is estimated to be a decrease in state expenditures and state revenues of \$405,900 from the Department of Human Services and an increase in state expenditures and state revenues of \$1,152,500 to the Department of Health and the court system.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director